


FILED

JUN 28 2024

United States District Court
Eastern District of North Carolina
Western Division

PETER A. MOORE, JR., CLERK
U.S. DISTRICT COURT, EDNC
BY  DEP CLK

Case No. _____

(To be filled out by Clerk's Office only)

Antwan Devon Harvey

Inmate Number 1295876

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

(Pro Se Prisoner)

-against-

John doe, warden of Scotland C.I.,
John doe, warden of Tabor C.I.,
John doe, LT of Scotland C.I. Sued
individually and in their official capacities.

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

Antwan Harvey
Name

1295876
Prisoner ID #

Tabor City C.I.
Place of Detention

4600 Swamp Fox Highway west
Institutional Address

Tabor City
City

NC
State

28463
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☒ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

John doe
Name
warden
Current Job Title
Scotland C.I.
Current Work Address
NC
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2:

John doe
Name
warden
Current Job Title
Tabor City C.I. 4600 Sawamp Fox Highway west
Current Work Address
Tabor NC 28463
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant(s) Continued

Defendant 3:

Name

John doe

Current Job Title

L.T.

Current Work Address

City

State

Zip Code

NC

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4:

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Scotland C.I., Tabor City C.I.

Date(s) of occurrence: Feb 16, 2024 "until" May 23, 2024

State which of your federal constitutional or federal statutory rights have been violated:

Eight amendment of U.S.C

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

I was assaulted by multiple inmates and
harassed, placed in harms way by prison
officials, exposed to constant inadequate lighting
that went on for more then 30 days while
being reexposed to dangerous situations. Defendants
"John doe" and "John doe" are the wardens for each
individual C.I. so they are fully responsible.

What
happened
to you?

I was assaulted and abused by multiple inmates. Stabbed, dumped, burned, and Harassed. Placed in situation of danger, exposed to Constant lighting then reexposed to dangerous condition.

When did it
happen to
you?

This year, Dates of occurrences 2-16-2024
4-12-2024, 4-25-2024, 5-23-2024,
5-26-2024.

Where did it
happen to
you?

Scotland C.I. I was at all times mentioned there in a inmate of the Scotland C.I. I'm currently in Confinement Here at Tabor City C.I. where other Claims have taken place.

What was
your
injury?

Burned badly.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed? ☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

*Award ^{me} Compensatory damages in the following amounts
\$ 5,000 jointly and severally against defendants
John doe and John doe for denial of rights*

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☐ Yes

☒ No

If yes, how many? _____

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

IX. PLAINTIFF'S CERTIFICATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

6-19-2024
Dated

Antwan Harvey
Plaintiff's Signature

Antwan Harvey
Printed Name

1295876
Prison Identification #

Tabor City C.I. 11600 Fox Highway Tabor
Prison Address City State Zip Code